

1 STEVEN BENITO RUSSO  
Chief of Enforcement  
2 JENNIE EDDY  
Commission Counsel  
3 FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Attorneys for Complainant  
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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10  
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12 In the Matter of ) FPPC No.: 020708  
13 )  
14 ) STIPULATION, DECISION and  
15 ) ORDER  
16 )  
17 )

18 Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and  
19 Respondent Roger Kirwan, hereby agree that this Stipulation will be submitted for consideration by the  
20 Fair Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
22 matter, and to reach a final disposition without the necessity of holding an administrative hearing to  
23 determine the liability of Respondent.

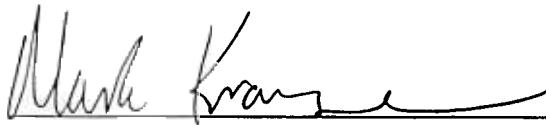
24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural  
25 rights set forth in sections 83115.5 and 11503 of the Government Code, and in section 18361 of Title 2  
26 of the California Code of Regulations. This includes, but is not limited to, the right to personally appear  
27 at any administrative hearing held in this matter, to be represented by an attorney at Respondent's own  
28 expense, to confront and cross-examine all witnesses testifying at the hearing, to subpoena witnesses to

1 | testify at the hearing, to have an impartial administrative law judge preside over the hearing as a hearing  
2 | officer, and to have the matter judicially reviewed.

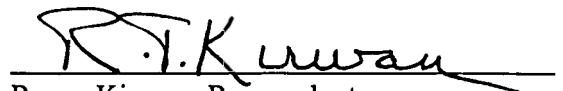
3 | It is further stipulated and agreed that Respondent committed one violation of the Political  
4 | Reform Act, by failing to disclose a late contribution in a late contribution report (1 count), in violation  
5 | of section 84203 of the Government Code, as described in Exhibit 1, which is attached hereto and  
6 | incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of  
7 | the facts in this matter.

8 | Respondent agrees to the issuance of the Decision and Order, which is attached hereto.  
9 | Respondent also agrees to the Commission imposing upon him an administrative penalty of Two  
10 | Thousand Five Hundred Dollars (\$2,500). A cashier's check from Respondent in said amount, made  
11 | payable to the "General Fund of the State of California," is submitted with this Stipulation as full  
12 | payment of the administrative penalty, and shall be held by the State of California until the Commission  
13 | issues its Decision and Order regarding this matter. The parties agree that in the event the Commission  
14 | refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days  
15 | after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent  
16 | in connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates  
17 | and agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before  
18 | the Commission becomes necessary, neither any member of the Commission, nor the Executive  
19 | Director, shall be disqualified because of prior consideration of this Stipulation.

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23 | Dated: 3/14/03

  
Mark Krausse, Executive Director  
Fair Political Practices Commission

24 |  
25 |  
26 | Dated: 2/27/2003

  
Roger Kirwan, Respondent  
By ROBERT T. KIRWAN  
(Type or print name here)

1  
2 **DECISION AND ORDER**  
3

4 The foregoing stipulation of the parties “In the Matter of Roger Kirwan, FPPC No. 020708,”  
5 including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political  
6 Practices Commission, effective upon execution below by the Chairman.  
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8 IT IS SO ORDERED.  
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10 Dated: \_\_\_\_\_  
11 \_\_\_\_\_, Chairman  
12 Fair Political Practices Commission  
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